

Remarks

Claims 1 and 3 are amended and claim 20 is added. Claims 1 to 20 are pending in this application of which claims 1, 15 and 20 are in independent form.

Claims 1 to 19 were rejected under 35 USC 102(b) as being anticipated by Everts et al. The following will show that claim 1, as amended, patentably distinguishes the applicants' invention over this reference.

Everts et al is described in the action as disclosing a work apparatus wherein the relatively large wheel 18 is fixed via first and second struts to the work apparatus. Here, the recess 27 is described as a first strut but it would appear that the body 14 was intended. The transversely-extending slot 72 is described as a second strut. The applicants do not understand how the transversely-extending slot 72 can be viewed as being a strut. The first strut is described in the action as rotatably fixing the work apparatus. Here, the work apparatus appears to be viewed as the drive motor 28 with the work tool arranged thereon, namely, the edger blade 106. The second strut (that is, the slot 72) is intended to fix the work apparatus at first and second attachment points.

In Everts et al, the rotational position of the drive motor 28 is fixed in the slot 72.

However, in applicants' claim 1, it is not the position of the work apparatus which is fixed via the second strut; rather, it is the position of the transport wheel which is to be fixed on

the work apparatus via the second strut. Claim 1 defines this feature and limitation with the clause:

"said second strut being fixable at said first end thereof on said work apparatus at at least first and second attachment points thereon so as to change the position of said transport wheel relative to said work apparatus." (emphasis added)

This is not the case in Everts et al even when one would view the housing 14 and the slot 72 as being struts. Even a change of position of the transport wheel relative to the work apparatus cannot be made in Everts et al. In Everts et al, the relatively large wheels 18 are fixedly journalled on the housing 14. Also, the position of the drive motor on the housing is fixed. The drive motor is only rotatably held in the pivot opening 30.

From the above, it can be seen that Everts et al cannot constitute an anticipation of the applicants' invention and applicants respectfully submit that claim 1 should now be allowable.

Claims 3 and 4 are still farther away from Everts et al and recite that the work apparatus includes a frame. The transport wheel is disposed at the frame when the second strut is fixed at its first attachment point (claim 3) and the transport wheel is at a distance away from the frame when the second strut is fixed at the second attachment point (claim 4).

In Everts et al, the relatively large wheels 18 are, however, always held in the same position on the housing 14. The transport wheel is characterized as being at a distance from the

attachment point. However, this does not correspond to the subject matter of claim 4 which concerns the distance of the transport wheel to the frame.

With respect to claim 15, applicants note that this claim is directed to a transport device for a portable handheld work apparatus. This transport device includes a transport wheel at which first and second struts are connected. Even if one would consider the housing 14 of Everts et al as a strut, only a single strut would be fixed to the two relatively large wheels 18. In the action, there is no suggestion as to what in Everts et al would constitute a second strut attached to the wheels 18. Accordingly, it is not seen how Everts et al can be a reference anticipating the applicants' invention as set forth in claim 15.

For the reasons advanced above, applicants submit that Everts et al cannot constitute an anticipation for either of the independent claims 1 and 15, let alone, provide our person of ordinary skill with any hint as to how the artisan could arrive at the applicants' invention as defined in claims 1 and 15.

Claims 2 to 14 and 16 to 19 are dependent from claims 1 and 15, respectively, and should likewise be allowable.

Claim 20 is added to provide an additional independent definition of the invention and is somewhat narrower than claim 1 so that this claim too should be allowable.

Reconsideration of the application is earnestly solicited.

Respectfully submitted,



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